

## Department of Defense

DoDD 4400.1, Defense Production Act Programs.

[64 FR 51075, Sept. 21, 1999]

### **PART 212—ACQUISITION OF COMMERCIAL ITEMS**

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Sec.

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AUTHORITY: 41 U.S.C. 421 and 48 CFR Chapter 1.

SOURCE: 60 FR 61595, Nov. 30, 1995, unless otherwise noted.

212.301

#### **Subpart 212.2—Special Requirements for the Acquisition of Commercial Items**

##### **212.211 Technical data.**

The DoD policy for acquiring technical data for commercial items is at 227.7102.

##### **212.212 Computer software.**

The DoD policy for acquiring commercial computer software is at 227.7202.

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#### **Subpart 212.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items**

##### **212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**

(f)(i) Use one of the following provisions as prescribed in part 225:

(A) 252.225-7000, Buy American Act—Balance of Payments Program Certificate.

(B) 252.225-7020, Trade Agreements Certificate.

(C) 252.225-7035, Buy American Act—Free Trade Agreements—Balance of Payments Program Certificate.

(ii) Use the provision at 252.212-7000, Offeror Representations and Certifications—Commercial Items, in all solicitations for commercial items exceeding the simplified acquisition threshold. If an exception to 10 U.S.C. 2410i applies to a solicitation exceeding the simplified acquisition threshold (see 225.770-3), indicate on an addendum that “The certification in paragraph (b) of the provision at 252.212-7000 does not apply to this solicitation.”

(iii) Use the clause at 252.212-7001, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items, in all solicitations and contracts for commercial items, completing paragraphs (a) and (b), as appropriate.

(iv) Use the provision at 252.209-7001, Disclosure of Ownership or Control by the Government of a Terrorist Country, as prescribed in 209.104-70(a).